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EXAMINER

PHAM, HUNG Q

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 10/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/431,566

Applicant(s)

CLARKSON ET AL.

Examiner

HUNG Q PHAM

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11,13-17,22-30 and 32-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11,13-17,22-30 and 32-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Applicants amended claims 2, 9, 22-25, 27-28, 30, 32 and 37, canceled claims 12 and 31 and substituted by claims 45-46 in the amendment received on 07/25/2002. The pending claims are 1-11, 13-17, 22-30 and 32-46. Applicants' arguments have been fully considered by the examiner.
2. Applicants' arguments with respect to claims 9, 25, 30 and 37 have been considered but are moot in view of the new ground(s) of rejection.

### ***Response to Arguments***

Applicant stated that:

Claim 1 recites as one element an audio package builder/export tool for accessing the audio database to build art audio package. As mentioned above, the audio package of claim 1 includes two distinct elements- 1) an audio segments file; and 2) an index file. The Patent Office expends a decent bit of text going through the two Gustman references, resulting ultimately in an identification of phrase 206, segment 204 and index (of Gustman (527)) as the claimed audio segment, audio segment file, and index file, respectively. Without admitting the propriety of this interpretation, Applicant respectfully points out that what is not shown is the actual building of these elements into an audio package for export to a gateway. The Patent Office has failed to point out where the audio segments file and index file are built into an audio package. To the contrary, the Gustman references are more concerned with knowing where multimedia content is stored. To this end, the Gustman references send catalogs back and forth between the various elements of their network. The catalogs include pointers to the storage locations of multimedia files. In some instances, the multimedia files in question may be in a local cache, but after a thorough review of the references, Applicant is unable to find any teaching or suggestion that audio packages with both an audio segments file and an index file are ever built. The closest teaching is that a browser may send a query to the catalog/index server, and a list of catalog entries is returned from air archive server, which tells the user where the data in question is. However, this is not a teaching or a suggestion that an audio package is built. Thus, the references, either singly or in combination, fail to teach or suggest that an audio package including an audio segment file and index file are built, and the Patent Office has failed to make a prima facie case of obviousness. Since the claim is non-obvious over the cited references, the claim stands in condition for allowance.

Further, the Patent Office admits proximate the bottom of page 4 of the Office Action that both Gustman references fail to disclose that the audio segments contain announcements to be

played to an end user in a network. This also supports a finding that the Patent Office has failed to make a prima facie case of obviousness with respect to this element. The Patent Office attempts to cure this deficiency by asserting that it would have been obvious to modify the two Gustman references to include an audio database of audio segments containing announcements to catalogue audio files from an audio database. The motivation to modify the reference is not compelling. The Patent Office has failed to point to any suggestion that "to catalogue audio file from an audio database" is desirable, or that modifying the audio file to include announcements to be played to an end user in a network promotes "to catalogue audio file from an audio database." With such an improper motivation, the modification to the references is improper, and the claim element is not taught or suggested by the combination of references. Again, this missing claim element confirm that the Patent Office has failed to make a prima facie case of obviousness.

Examiner respectfully traverses because of these reasons:

Regarding to claim 1 and 41, Gustman [831] teaches a system for cataloguing, storing, retrieving, and distributing multimedia data such as text, graphics, video, animation, and sound (Col. 1, lines 9-16) and associates with the system of Gustman [527] for cataloguing multimedia data (Gustman [831], Col. 9, lines 4-9). Gustman [831] further discloses *an audio database for storing audio segments* (Gustman [831], Long Term Storage 260, Col. 8, lines 25-34). The Gustman [831] system catalogues multimedia data by the Gustman [527] apparatus. Gustman [527] teaches a catalogue as *an audio package* that disclosed in figure 18A of Gustman [527]. A catalogue could be built by using a catalogue element that is referred to as a phrase. A phrase is associated with a portion of multimedia data. A phrase has a plurality of attributes some of which are attribute elements. An index is built on the attributes and attribute elements. The index can be used to navigate through the catalogue. Segment 204 is a container element. It can contain other elements. For example, segment 204 can contain one or more instances of phrase 206 (Gustman [527], Col. 7, line 63-Col. 8, line 29). Thus, the phrase 206, the segment 204 and the index are respectively considered as *the audio segment, audio segment file* and *index file*. The Gustman [527] cataloguing system is

applied to the Gustman [831] system as cataloguing system 240 and catalogues multimedia data input received from transfer system 246 that connected to Long Term Storage 260 as *an audio database* (Gustman [831], Fig. 2, Col. 8). Gustman [831] further discloses a centralized distribution architecture as in FIG. 3, a main site 302 and a plurality of remote sites 306A-306D (Gustman [831], FIG. 3, Col. 13-14), a distribution facility can be used to transmit the data thus giving a user access to all of the data contained in the digital library system despite the user's location. Multimedia data is permanently stored at a centralized location. Multimedia data that is requested by a user is cached from the centralized location to the user site. A wide area network can be used to interconnect user sites with the main site. The WAN can be used to transmit data that resides at the main site or another user site to a requesting user site. In addition, data can be transferred between sites via the Internet (Gustman [831], Col. 5, lines 48-57). The technique as disclosed by Gustman [831] and Gustman [527] indicates the step of *accessing the audio database to build an audio package including an audio segments file for storing an audio segment to be played by a gateway in the network and an index file containing information usable by the gateway for locating the audio segment in the audio segments file.*

As discussed above, the distribution facility giving a user access to all of the data contained in the digital library system but fails to disclose *the audio segments containing announcements*. However, as discloses by Gustman [831], multimedia data is in the form of text, graphics, video, animation, and sound (Gustman [831], Col. 1, lines 12-14) and

announcements, in general is multimedia data in the form of sound. Thus, an announcement, obviously could be an instance of phrase 206 as *an audio segment*.

It is believed that claim 1 is not defined over the Gustman [831] and Gustman [527] prior art. In addition, claims 2-8 depend directly or indirectly upon claim 1 are also rejected as being unpatentable by Gustman [831] and Gustman [527] as discussed in the office action.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. **Claims 22-24 are rejected under 35 U.S.C. 101 because the claimed inventions are directed to non-statutory subject matter.**

As disclosed in MPEP, "Data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." Claims to computer-related inventions that are clearly nonstatutory fall into the same general categories as nonstatutory claims in other arts, namely natural phenomena such as magnetism, and abstract ideas or laws of nature which constitute "descriptive material." Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material". In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. "Nonfunctional descriptive material" includes but is not limited to music, literary works and a compilation or mere arrangement of data. Both types of "descriptive material" are nonstatutory when claimed as descriptive material per se. Warmerdam, 33 F3d at 1360, 31 USPQ2d at 1759 (MPEP 2106 (IV) (B) (1)).

In particular, the claimed subject matter of claims 22-24, especially claim 22 is a data structure, and instead of a physical or logical relationship description among the structure, the limitations are directed to nonfunctional descriptive material: ***a first section for storing an audio segment and a second section for storing information indicating the number of audio segments in the first section.*** Therefore, claims 22-24 are rejected because the limitation of the claim is just a mere arrangement of data without creating any functional interrelationship within the data structure.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-11, 13-17, 25-30, 32-36 and 41-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gustman [USP 6,353,831] (Gustman [831]) in view of Gustman [USP 6,212,527] (Gustman [527]).**

Regarding to claim 1, Gustman [831] teaches a system for cataloguing, storing, retrieving, and distributing multimedia data such as text, graphics, video, animation, and

sound (Col. 1, lines 9-16) and associates with the system of Gustman [527] for cataloguing multimedia data (Gustman [831], Col. 9, lines 4-9). Gustman [831] further discloses *an audio database for storing audio segments* (Gustman [831], Long Term Storage 260, Col. 8, lines 25-34). The Gustman [831] system catalogues multimedia data by the Gustman [527] apparatus. Gustman [527] teaches a catalogue as *an audio package* that disclosed in figure 18A of Gustman [527]. A catalogue could be built by using a catalogue element that is referred to as a phrase. A phrase is associated with a portion of multimedia data. A phrase has a plurality of attributes some of which are attribute elements. An index is built on the attributes and attribute elements. The index can be used to navigate through the catalogue. Segment 204 is a container element. It can contain other elements. For example, segment 204 can contain one or more instances of phrase 206 (Gustman [527], Col. 7, line 63-Col. 8, line 29). Thus, the phrase 206, the segment 204 and the index are respectively considered as *the audio segment*, *audio segment file* and *index file*. The Gustman [527] cataloguing system is applied to the Gustman [831] system as cataloguing system 240 and catalogues multimedia data input received from transfer system 246 that connected to Long Term Storage 260 as *an audio database* (Gustman [831], Fig. 2, Col. 8). Gustman [831] further discloses a centralized distribution architecture as in FIG. 3, a main site 302 and a plurality of remote sites 306A-306D (Gustman [831], FIG. 3, Col. 13-14), a distribution facility can be used to transmit the data thus giving a user access to all of the data contained in the digital library system despite the user's location. Multimedia data is permanently stored at a centralized location. Multimedia data that is requested by a



user is cached from the centralized location to the user site. A wide area network can be used to interconnect user sites with the main site. The WAN can be used to transmit data that resides at the main site or another user site to a requesting user site. In addition, data can be transferred between sites via the Internet (Gustman [831], Col. 5, lines 48-57). The technique as disclosed by Gustman [831] and Gustman [527] indicates the step of *accessing the audio database to build an audio package including an audio segments file for storing an audio segment to be played by a gateway in the network and an index file containing information usable by the gateway for locating the audio segment in the audio segments file*. As discussed above, the distribution facility giving a user access to all of the data contained in the digital library system but fails to disclose *the audio segments containing announcements*. However, as discloses by Gustman [831], multimedia data is in the form of text, graphics, video, animation, and sound (Gustman [831], Col. 1, lines 12-14) and announcements, in general is multimedia data in the form of sound. Thus, an announcement could be an instance of phrase 206 as *an audio segment*. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Gustman [831] and Gustman [527] system by including audio segments containing announcements in order to catalogue audio file of announcements from an audio database.

Regarding to claim 2, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 1, Gustman [527] further discloses *the audio package includes a catalog file, distinct from the index file and the audio segment file*

*containing information describing the audio segment in the audio segments file* (Gustman [527], Keyword 210, Col. 8, lines 25-63).

Regarding to claim 3, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 1, Gustman [527] further discloses the step of *selecting audio segments from the audio database to be included in the audio segments file based on selection received from a user* (Gustman [527], Col. 17, lines 46-61).

Regarding to claim 4, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 3, Gustman [831] further discloses *a graphical user interface configured to receive the selections from the user through a web browser* (Gustman [831], Col. 9, lines 33-43).

Regarding to claim 5, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 1, Gustman [831] further discloses *the means for exporting the audio package* (Gustman [831], Col. 5, lines 48-57), both of them fails to teach the destination of the audio package is *a plurality of gateways*. However, Gustman [831] teaches the distribution facility using the FTP for file transfer (Gustman [831], Col. 8, lines 35-41), thus a Gustman [831] audio file can be transfer to a gateway. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Gustman [831] and Gustman [527] system by using packet-

based network protocol to export an audio package to a plurality of gateways in order to transfer an audio file to a gateway in the network.

Regarding to claim 6, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 5, Gustman [831] further discloses *means for exporting the audio package over a packet-based network* (Gustman [831], Col. 8, lines 35-41).

Regarding to claim 7, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 5, Gustman [831] further discloses *the means for storing the audio package on a disk or memory storage medium* (Gustman [831], Col. 10, lines 48-54).

Regarding to claim 8, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 7, Gustman [831] further discloses *the means for transmitting the audio package to a client over a packet-based network and means for transmitting the audio package from the client to a plurality of gateways* (Gustman [831], Col. 8, lines 35-41).

Regarding to claim 9, Gustman [831] teaches a system for cataloguing, storing, retrieving, and distributing multimedia data such as text, graphics, video, animation, and sound (Col. 1, lines 9-16) and associates with the system of Gustman [527] for

cataloguing multimedia data (Gustman [831], Col. 9, lines 4-9). Gustman [831] further discloses *an audio database for storing audio segments* (Gustman [831], Long Term Storage 260, Col. 8, lines 25-34). The Gustman [831] system catalogues multimedia data by the Gustman [527] apparatus. Gustman [527] teaches a catalogue as *an audio package* that is disclosed in figure 18A of Gustman [527]. A catalogue could be built by using a catalogue element that is referred to as a phrase. A phrase is associated with a portion of multimedia data. A phrase has a plurality of attributes some of which are attribute elements. An index is built on the attributes and attribute elements. The index can be used to navigate through the catalogue. Segment 204 is a container element. It can contain other elements. For example, segment 204 can contain one or more instances of phrase 206 (Gustman [527], Col. 7, line 63-Col. 8, line 29). Thus, the phrase 206, the segment 204 and the index are respectively considered as *the audio segment*, *audio segment file* and *index file*. As shown in Gustman [527] FIG. 3A, a user can view the input data in area 310; enter a description in area 312. By selecting button 320, the user can create an instance of segment 204 as *an audio segment file*. Button 300 allows the user to create an instance phrase 206 as *an audio segment*. (Gustman [527], Col. 17, line 39-Col. 18, line 5). Gustman [831] further discloses a centralized distribution architecture as in FIG. 3, a main site 302 and a plurality of remote sites 306A-306D (Gustman [831], FIG. 3, Col. 13-14), a distribution facility can be used to transmit the data thus giving a user access to all of the data contained in the digital library system despite the user's location. Multimedia data is permanently stored at a centralized location. Multimedia data that is requested by a user is cached from the

centralized location to the user site. A wide area network can be used to interconnect user sites with the main site. The WAN can be used to transmit data that resides at the main site or another user site to a requesting user site. In addition, data can be transferred between sites via the Internet (Gustman [831], Col. 5, lines 48-57). This indicates the step of *allowing a user to select, from the audio database, an audio segment to be played by a gateway, for building an audio package including an audio segments file containing the audio segment selected by the user, and an index file containing information usable by gateways for locating an audio segment in the audio segments file*. Both Gustman [831] and Gustman [527] fails to disclose *the audio segments containing announcements* and the step of *exporting the audio package to a gateway*. However, as discloses by Gustman [831], multimedia data is in the form of text, graphics, video, animation, and sound (Gustman [831], Col. 1, lines 12-14) and announcements, in general, is multimedia data in the form of sound. Gustman further discloses the Gustman [831] system uses FTP as an example to transfer file over the network (Gustman [831], Col. 8, lines 35-41). Thus, an announcement could be an instance of phrase 206 as *an audio segment* and a Gustman [831] catalogue could be transferred to a gateway in a network by using FTP. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Gustman [831] and Gustman [527] system by including audio segments containing announcements and the step of exporting the audio package to a gateway in order to catalogue audio file of announcements from an audio database and transfer it to a gateway.

Regarding to claim 10, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 9, Gustman [831] further discloses the step of *presenting a graphical user interface to the user over the network for receiving user selection* (Gustman [831], Col. 9, lines 33-43).

Regarding to claim 11, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 10, Gustman [831] further discloses the step of *presenting a graphical user interface through a web browser executing on a client computer* (Gustman [831], Col. 9, lines 33-43).

Regarding to claim 13, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 9, Gustman [527] further discloses the *audio package includes a catalog file containing descriptive information relating to the audio segment selected by the user* (Gustman [527], Keyword 210, Col. 8, lines 25-63).

Regarding to claim 14, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 9, Gustman [831] further discloses *the means for exporting the audio package* (Gustman [831], Col. 5, lines 48-57), both of them fails to teach the destination of the audio package is *a plurality of gateways*. However, Gustman [831] teaches the distribution facility using the FTP for file transfer (Gustman [831], Col. 8, lines 35-41), thus a Gustman [831] audio file can be transfer to a gateway. Therefore, it would have been obvious for one of ordinary skill in the art at the time the

invention was made to modify the Gustman [831] and Gustman [527] system by using packet-based network protocol to export an audio package to a plurality of gateways in order to transfer an audio file to a gateway in the network.

Regarding to claim 15, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 14, Gustman [831] further discloses *means for exporting the audio package over a packet-based network* (Gustman [831], Col. 8, lines 35-41).

Regarding to claim 16, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 14, Gustman [831] further discloses *the means for storing the audio package on a disk or memory storage medium* (Gustman [831], Col. 10, lines 48-54).

Regarding to claim 17, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 14, Gustman [831] further discloses *the means for transmitting the audio package to a client over a packet-based network and means for transmitting the audio package from the client to a plurality of gateways* (Gustman [831], Col. 8, lines 35-41).

Regarding to claim 25, Gustman [831] teaches a method for cataloguing, storing, retrieving, and distributing multimedia data such as text, graphics, video, animation, and

sound (Col. 1, lines 9-16) and associates with the system of Gustman [527] for cataloguing multimedia data (Gustman [831], Col. 9, lines 4-9). The Gustman [831] system catalogues multimedia data by the Gustman [527] apparatus. Gustman [527] teaches a catalogue as *an audio package* that is disclosed in figure 18A of Gustman [527]. A catalogue could be built by using a catalogue element that is referred to as a phrase. A phrase is associated with a portion of multimedia data. A phrase has a plurality of attributes some of which are attribute elements. An index is built on the attributes and attribute elements. The index can be used to navigate through the catalogue. Segment 204 is a container element. It can contain other elements. For example, segment 204 can contain one or more instances of phrase 206 (Gustman [527], Col. 7, line 63-Col. 8, line 29). Thus, the phrase 206, the segment 204 and the index are respectively considered as *the audio segment*, *audio segment file* and *index file*. As shown in Gustman [527] FIG. 3A, a user can view the input data in area 310; enter a description in area 312. By selecting button 320, the user can create an instance of segment 204 as *an audio segment file*. Button 300 allows the user to create an instance phrase 206 as *an audio segment*. (Gustman [527], Col. 17, line 39-Col. 18, line 5).

Gustman [831] further discloses a centralized distribution architecture as in FIG. 3, a main site 302 and a plurality of remote sites 306A-306D (Gustman [831], FIG. 3, Col. 13-14), a distribution facility can be used to transmit the data thus giving a user access to all of the data contained in the digital library system despite the user's location. Multimedia data is permanently stored at a centralized location. Multimedia data that is requested by a user is cached from the centralized location to the user site. A wide area



network can be used to interconnect user sites with the main site. The WAN can be used to transmit data that resides at the main site or another user site to a requesting user site. In addition, data can be transferred between sites via the Internet (Gustman [831], Col. 5, lines 48-57). This indicates the step of *receiving a request from a user for selecting an audio segment to be played by a gateway in a network, building an audio package including an audio segment selected by the user contained in an audio segments file and also including an index file*. Both Gustman [831] and Gustman [527] fail to disclose *the audio segments containing announcements* and the step of *exporting the audio package to a gateway*. However, as discloses by Gustman [831], multimedia data is in the form of text, graphics, video, animation, and sound (Gustman [831], Col. 1, lines 12-14) and announcements, in general, is multimedia data in the form of sound. Gustman further discloses the Gustman [831] system uses FTP as an example to transfer file over the network (Gustman [831], Col. 8, lines 35-41). Thus, an announcement could be an instance of phrase 206 as *an audio segment* and a Gustman [831] catalogue could be transferred to a gateway in a network by using FTP. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Gustman [831] and Gustman [527] system by including audio segments containing announcements and the step of exporting the audio package to a gateway in order to catalogue audio file of announcements from an audio database and transfer it to a gateway.

Regarding to claim 26, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 25, Gustman [831] further discloses the step of *receiving a request generated by a web browser* (Gustman [831], Col. 9, lines 33-43).

Regarding to claim 27, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 25, Gustman [527] further discloses the multimedia data catalogue is considered as an *audio package* that consists of one catalogue element that is referred to as a phrase 206. A phrase is associated with a portion of multimedia data that is considered as an *audio segment* and phrase is contained in a segment 204 that is considered as an *audio segment file*. Phrase 206 has one or more attributes and/or attribute elements on which an index is built as the *index file*. The index can be used to navigate through the catalogue (Gustman [527], Col. 8, lines 9-29). Referring to FIG. 3A, a user can view the input data in area 310; enter a description in area 312. By selecting button 320, the user can create an instance of segment 204. Button 300 allows the user to create an instance phrase 206 (Gustman [527], Col. 17, lines 46-49). This indicates the step of *audio package includes an audio segments file containing the audio segment selected by the user and an index file containing information usable by gateways for locating audio the audio segment in the audio segment file*.

Regarding to claim 28, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 25, Gustman [527] further discloses the *audio package includes generating a catalog file containing descriptive information regarding the audio segment selected by the user* (Gustman [527], Attribute element, Col. 8, lines 14-24).

Regarding to claim 29, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 25, but fails to disclose the step of *exporting the audio package to a plurality of gateways to ensure consistent delivery of announcements by the gateways*. However, Gustman [831] teaches the distribution facility using the FTP for file transfer (Gustman [831], Col. 8, lines 35-41) and packet-based communications protocol such as file transfer protocol is to ensure consistent delivery of transferring file over the network. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Gustman [831] and Gustman [527] method by using packet-based communications protocol such as file transfer protocol to export the audio package to a plurality of gateways to ensure consistent delivery of announcements by the gateway in order to consistently upload an audio file over the network.

Regarding to claim 30, Gustman [831] teaches a system for cataloguing, storing, retrieving, and distributing multimedia data such as text, graphics, video, animation, and sound (Col. 1, lines 9-16) and associates with the system of Gustman [527] for

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cataloguing multimedia data (Gustman [831], Col. 9, lines 4-9). Gustman [831] further discloses *storing, in an audio database, audio segments to be played to an end user in a network* (Gustman [831], Long Term Storage 260, Col. 8, lines 25-34). The Gustman [831] system catalogues multimedia data by the Gustman [527] apparatus. Gustman [527] teaches a catalogue as *an audio package* that is disclosed in figure 18A of Gustman [527]. A catalogue could be built by using a catalogue element that is referred to as a phrase. A phrase is associated with a portion of multimedia data. A phrase has a plurality of attributes some of which are attribute elements. An index is built on the attributes and attribute elements. The index can be used to navigate through the catalogue. Segment 204 is a container element. It can contain other elements. For example, segment 204 can contain one or more instances of phrase 206 (Gustman [527], Col. 7, line 63-Col. 8, line 29). Thus, the phrase 206, the segment 204 and the index are respectively considered as *the subset of audio segment, audio segment file* and *index file*. As shown in Gustman [527] FIG. 3A, a user can view the input data in area 310; enter a description in area 312. By selecting button 320, the user can create an instance of segment 204 as *an audio segment file*. Button 300 allows the user to create an instance phrase 206 as *a subset of the audio segment*. (Gustman [527], Col. 17, line 39-Col. 18, line 5). Gustman [831] further discloses a centralized distribution architecture as in FIG. 3, a main site 302 and a plurality of remote sites 306A-306D (Gustman [831], FIG. 3, Col. 13-14), a distribution facility can be used to transmit the data thus giving a user access to all of the data contained in the digital library system despite the user's location. Multimedia data is permanently stored at a centralized

location. Multimedia data that is requested by a user is cached from the centralized location to the user site. A wide area network can be used to interconnect user sites with the main site. The WAN can be used to transmit data that resides at the main site or another user site to a requesting user site. In addition, data can be transferred between sites via the Internet (Gustman [831], Col. 5, lines 48-57). This indicates the step of *generating an audio package including a subset of the audio segments in the audio database, wherein generating an audio package includes generating an audio segments file containing the subset of audio segments and an index file containing information for locating audio segments in the audio segment file*. Both Gustman [831] and Gustman [527] fail to disclose the step of *exporting the audio package to a gateway*. However, Gustman further discloses the Gustman [831] system uses FTP as an example to transfer file over the network (Gustman [831], Col. 8, lines 35-41). Thus, Gustman [831] catalogue could be transferred to a gateway in a network by using FTP. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Gustman [831] and Gustman [527] system by including the step of exporting the audio package to a gateway in order to transfer it to a gateway.

Regarding to claim 32, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 30, Gustman [527] further discloses the *audio package includes generating a catalog file including records containing information describing the audio segment in the audio segment files* (Gustman [527], Keyword 210, Col. 8, lines 25-63).

Regarding to claim 33, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 30, Gustman [831] further discloses *the means for exporting the audio package* (Gustman [831], Col. 5, lines 48-57), both of them fails to teach the destination of the audio package is *a plurality of gateways in the network*. However, Gustman [831] teaches the distribution facility using the FTP for file transfer (Gustman [831], Col. 8, lines 35-41), thus a Gustman [831] audio file can be transfer to a gateway in the network. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Gustman [831] and Gustman [527] system by using packet-based network protocol to export an audio package to a plurality of gateways in order to transfer an audio file to a gateway in the network.

Regarding to claim 34, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 33, Gustman [831] further discloses *transmitting the audio package over a packet-based network* (Gustman [831], Col. 8, lines 35-41).

Regarding to claim 35, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 33, Gustman [831] further discloses the step of *transmitting the audio package to a client computer and forwarding the audio package from the client computer to a plurality of gateways* (Gustman [831], Col. 8, lines 35-41).

Regarding to claim 36, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 30, Gustman [527] further discloses a user can view the input data in area 310; enter a description in area 312. By selecting button 320, the user can create an instance of segment 204. Button 300 allows the user to create an instance phrase 206 (Gustman [527], Col. 17, lines 46-49). This indicates the step of *receiving requests from a user the audio segments to be included in the audio package and wherein generating the audio package includes extracting audio files from the audio database*. Both of them fail to disclose the audio identifiers indicative of audio segments. However, in the steps of request for data in the catalogue, Gustman [831] teaches that the archive server maintains an identification of the location of the multimedia data (Gustman [831], Col. 5, lines 4-9). This indicates the *audio identifiers indicative of audio segments*. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Gustman [831] and Gustman [527] method by creating audio identifiers to indicate audio segments in order to search and retrieve an audio file.

Regarding to claim 41, Gustman [831] teaches a catalogue that contains multimedia data such as text, graphics, video, animation, and sound (Col. 1, lines 9-16) and associates with the method of Gustman [527] for cataloguing multimedia data (Gustman [831], Col. 9, lines 4-9). Gustman [527] teaches a catalogue as *an audio package* that disclosed in figure 18A of Gustman [527]. A catalogue could be built by

using a catalogue element that is referred to as a phrase. A phrase is associated with a portion of multimedia data. A phrase has a plurality of attributes some of which are attribute elements. An index is built on the attributes and attribute elements. The index can be used to navigate through the catalogue. Segment 204 is a container element. It can contain other elements. For example, segment 204 can contain one or more instances of phrase 206 (Gustman [527], Col. 8, lines 9-29). Thus, the phrase 206, the segment 204 and the index are considered as the *audio segment*, *audio segment file* and *index file* respectively. Gustman [831] further discloses a centralized distribution architecture as in FIG. 3, a main site 302 and a plurality of remote sites 306A-306D (Gustman [831], FIG. 3, Col. 13-14), a distribution facility can be used to transmit the data thus giving a user access to all of the data contained in the digital library system despite the user's location. Multimedia data is permanently stored at a centralized location. Multimedia data that is requested by a user is cached from the centralized location to the user site. A wide area network can be used to interconnect user sites with the main site. The WAN can be used to transmit data that resides at the main site or another user site to a requesting user site. In addition, data can be transferred between sites via the Internet (Gustman [831], Col. 5, lines 48-57). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Gustman [831] and Gustman [527] catalogue for building an audio package that has an audio segment file and index file in order to transfer the audio file over the network.



Regarding to claim 42, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 41, Gustman [527] further discloses *a catalog file containing information describing the audio segment in the audio segments file* (Gustman [527], Attribute element, Col. 8, lines 14-24).

Regarding to claim 43, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 41, Gustman [527] further discloses *the index file contains information specifying the location of the audio segment in the audio segments file* (Gustman [527], Col. 8, lines 9-29).

Regarding to claim 44, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 1, Gustman [831] further discloses *the means for exporting the audio package* (Gustman [831], Col. 5, lines 48-57), both of them fails to teach the destination of the audio package is *a plurality of gateways*. However, Gustman [831] teaches the distribution facility using the FTP for file transfer (Gustman [831], Col. 8, lines 35-41), thus a Gustman [831] audio file can be transfer to a gateway. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Gustman [831] and Gustman [527] system by using packet-based network protocol to export an audio package to a plurality of gateways in order to transfer an audio file to a gateway in the network.

**7. Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gustman [USP 6,353,831].**

Regarding to claim 22, Gustman teaches a data structure embodied in a computer readable medium for storing multimedia data as an audio segment containing an announcement to be played by a gateway in a network, the data structure comprises: a segment as *a first section for storing an audio segment* (Col. 14, lines 38-45). Gustman fails to teach *a second section for storing information indicating the number of audio segments in the first section*. However, Gustman discloses the phrase has the attribute elements as the second section. Thus, a count to indicate the number of audio segments in the first section can be added to the attribute elements. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Gustman structure by including information to indicate the number of audio segment in the first section in order to confirm the number of segment in an audio file.

Regarding to claim 23, Gustman teaches all the claimed subject matters as discussed in claim 22 but fails to disclose *a third section for storing check data for synchronizing the audio segment with a record in an index file usable by the gateway to locate the audio segment in the first section*. However, Gustman teaches a phrase has one or more attributes and attribute elements on which an index is built. Thus, the one or more attribute is considered as the third section for storing check data for synchronizing the

audio segment with a record in an index file. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Gustman by including a third section for storing check data for synchronizing the audio segment in order to retrieve an audio segment from an audio file.

Regarding to claim 24, Gustman teaches all the claimed subject matters as discussed in claim 22, but fails to disclose *the first section includes a plurality of audio segments at locations corresponding to offset values in an index file usable by the gateway to locate the audio segments in the first section*. However, Gustman teaches the attribute elements that are attributes of a phrase include keyword and proposed keyword. An index is built on the attributes and attribute elements. The index can be used to navigate through the catalogue (Col. 14, lines 27-37). Thus, an index as an index file that taught by Gustman locating information stored in the index file by adding an offset amount to the base address of the index file. This indicates the audio segments at locations corresponding to offset values in an index file usable by the gateway to locate the audio segments. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Gustman structure by including the technique of using offset value to locate the audio segment in order to search and retrieve indexed information in an index file.

**8. Claims 37-40 and 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gustman [USP 6,353,831] (Gustman [831]) in view of Gustman**

**[USP 6,212,527] (Gustman [527]) and Microsoft Corporation [Microsoft Press Computer Dictionary Third Edition, ISBN 1-57231-446-X].**

Regarding to claim 37, Gustman [831] teaches a method for cataloguing, storing, retrieving, and distributing multimedia data such as text, graphics, video, animation, and sound (Col. 1, lines 9-16) and associates with the method of Gustman [527] for cataloguing multimedia data (Gustman [831], Col. 9, lines 4-9). The Gustman [831] method uses FTP as an example to transfer file over the network (Gustman [831], Col. 8, lines 35-41), thus a Gustman [831] audio file can be transfer to a gateway in a network by using FTP. Gustman [831] further discloses an audio database that stores audio segments (Gustman [831], Long Term Storage 260, Col. 8, lines 25-34) and in the steps of request for data in the catalogue, Gustman [831] teaches that the archive server maintains an identification of the location of the multimedia data (Gustman [831], Col. 5, lines 4-9). The Gustman [831] method catalogues multimedia data by the Gustman [527] method. Gustman [527] teaches a catalogue as *an audio package* that disclosed in figure 18A of Gustman [527]. A catalogue could be built by using a catalogue element that is referred to as a phrase. A phrase is associated with a portion of multimedia data. A phrase has a plurality of attributes some of which are attribute elements. An index is built on the attributes and attribute elements. The index can be used to navigate through the catalogue. Segment 204 is a container element. It can contain other elements. For example, segment 204 can contain one or more instances of phrase 206 (Gustman [527], Col. 7, line 63-Col. 8, line 29). Thus, the phrase 206, the

segment 204 and the index are respectively considered as *the audio segment, audio segment file* and *index file*. The technique as taught by Gustman [831] and Gustman [527] indicates the steps of *storing a first audio package definition in an audio database, the first audio package definition containing information sufficient to allow creation of a first audio package containing audio to be played on a gateway, said information including a audio segments file and an index file useable by the gateway for locating audio segments in the audio segments file*. Referring to figure 3A, Gustman [527] teaches a method of creating a catalogue as an audio package. Gustman [527] teaches that a user can view the input data in area 310; enter a description in area 312. By selecting button 320, the user can create an instance of segment 204. Button 300 allows the user to create an instance phrase 206 (Gustman [527], Col. 17, lines 46-49). A distribution facility can be used to transmit the data thus giving a user access to all of the data contained in the digital library system despite the user's location (Gustman [831], Col. 5, lines 48-50). This indicates the step of *in response to a first user request, accessing the audio database, locating the first audio package definition, creating the first audio package based on the definition, and exporting the audio package from the audio database*. Both of them fail to teach the *index file including an offset and a length*. Microsoft Corporation defines index as a method for locating information stored in a table by adding an offset amount as *an offset and a length* to the base address of the table (Microsoft Corporation, page 247). Thus, the Gustman [831] and Gustman [527] index file should have an offset and a length by default. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Gustman [831] and Gustman [527]

method by including an offset and a length in an index file as taught by Microsoft Corporation in order to locate information stored in a table.

Regarding to claim 38, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 37, but fails to disclose *a plurality of audio identifiers representing audio segments in the audio database*. However, in the steps of request for data in the catalogue, Gustman [831] teaches that the archive server maintains an identification of the location of the multimedia data (Gustman [831], Col. 5, lines 4-9). This indicates the audio identifiers. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Gustman [831] and Gustman [527] method by creating audio identifiers to indicate audio segments in order to search and retrieve an audio file.

Regarding to claim 39, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 37, Gustman [527] further discloses a user can view the input data in area 310, enter a description in area 312. By selecting button 320, the user can create an instance of segment 204. Button 300 allows the user to create an instance phrase 206. Using button 318, a user can delete an instance of segment 204 or phrase 206. By deleting an instance of segment 204 that contains instances of phrase 206 a user can re-associate the instances of phrase 204 with a remaining instance of segment 204. For example, the user can select an instance of segment 204 (e.g., by selecting one of lines 372A-372B of FIG. 3E) and selecting button

318. If the user selects segment 372B, for example, the instances of phrase 206 associated with segment 372B are merged into segment 372A. Similarly, to delete a phrase instance, the user can select an instance of phrase 206 (e.g., displayed in lines 374A-374B of FIG. 3E) and select button 318 (Gustman [527], Col. 17, lines 46-61). A distribution facility can be used to transmit the data thus giving a user access to all of the data contained in the digital library system despite the user's location (Gustman [831], Col. 5, lines 48-50). This indicates the steps of *response to a second user request, locating the first audio package definition, modifying the first audio package definition based on the second user request, creating a second audio package based on the modified package definition, and exporting the second audio package from the audio database.*

Regarding to claim 40, Gustman [831] and Gustman [527] teaches all the claimed subject matters as discussed in claim 39, Gustman [831] further discloses the step of *storing the modified audio package definition in the audio database* (Gustman [831], Col. 5, lines 4-9).

Regarding to claim 45, Gustman [831] teaches a system for cataloguing, storing, retrieving, and distributing multimedia data such as text, graphics, video, animation, and sound (Col. 1, lines 9-16) and associates with the system of Gustman [527] for cataloguing multimedia data (Gustman [831], Col. 9, lines 4-9). Gustman [831] further discloses *an audio database for storing audio segments* (Gustman [831], Long Term Storage 260, Col. 8, lines 25-34). Gustman [831] further discloses a centralized

distribution architecture as in FIG. 3, a main site 302 and a plurality of remote sites 306A-306D (Gustman [831], FIG. 3, Col. 13-14), a distribution facility can be used to transmit the data thus giving a user access to all of the data contained in the digital library system despite the user's location. Multimedia data is permanently stored at a centralized location. Multimedia data that is requested by a user is cached from the centralized location to the user site. A wide area network can be used to interconnect user sites with the main site. The WAN can be used to transmit data that resides at the main site or another user site to a requesting user site. In addition, data can be transferred between sites via the Internet (Gustman [831], Col. 5, lines 48-57). The centralized distribution technique allows *an audio database for storing audio segments to be played by a gateway in a telecommunication network*. The Gustman [831] system positioned remotely from the gateway for accessing the audio database catalogues multimedia data by the Gustman [527] apparatus. Gustman [527] teaches a catalogue as *an audio package* that is disclosed in figure 18A of Gustman [527]. A catalogue could be built by using a catalogue element that is referred to as a phrase. A phrase is associated with a portion of multimedia data. A phrase has a plurality of attributes some of which are attribute elements. An index is built on the attributes and attribute elements. The index can be used to navigate through the catalogue. Segment 204 is a container element. It can contain other elements. For example, segment 204 can contain one or more instances of phrase 206. An attribute of phrase 206 is keyword 210. An instance of phrase 206 can be associated with one or more instances of keyword 210. Keyword 210 further defines aspects of an input data fragment.



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Preferably, an attribute of keyword 210 identifies content, or substance, for an input data fragment. The content or substance identified by keyword 210 is preferably expressed as a single word. However, content or substance can be expressed using multiple words (Gustman [527], Col. 7, line 63-Col. 8, line 43). Thus, the phrase 206, the segment 204, the index and keyword 210 are respectively considered as *the audio segment*, *audio segment file*, *index file* and *catalog file* and a catalogue as a *data package including an audio segments file for storing an audio segment to be played by the gateway in the network; an index file containing information usable by the gateway for locating the audio segment in the audio segments file; and a catalog file containing information describing the audio segment in the audio segments file*. Both Gustman [831] and Gustman [527] fail to disclose *the audio segments containing announcements, index file including an offset and a length* and the step of *exporting the audio package to a gateway*. However, as discloses by Gustman [831], multimedia data is in the form of text, graphics, video, animation, and sound (Gustman [831], Col. 1, lines 12-14) and announcements, in general, is multimedia data in the form of sound. Gustman further discloses the Gustman [831] system uses FTP as an example to transfer file over the network (Gustman [831], Col. 8, lines 35-41). Thus, an announcement could be an instance of phrase 206 as *an audio segment* and a Gustman [831] catalogue could be transferred to a gateway in a network by using FTP. Microsoft Corporation defines index as a method for locating information stored in a table by adding an offset amount as *an offset and a length* to the base address of the table (Microsoft Corporation, page 247). Thus, the Gustman [831] and Gustman [527] index file should have an offset and a length by default. Therefore, it

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would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Gustman [831] and Gustman [527] system by including audio segments containing announcements, the step of exporting the audio package to a gateway and an offset and a length in an index file as taught by Microsoft Corporation in order to locate information stored in a table and catalogue audio file of announcements from an audio database and transfer it to a gateway.

Regarding to claim 46, Gustman [831], Gustman [527] and Microsoft Corporation teaches all the claimed subject matters as discussed in claim 45, Gustman [527] further discloses *catalog file contains information selected from the group consisting of: prompt text, title, voice talent and date recorded* (Gustman [527], FIG. 2D).

### **Conclusion**

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

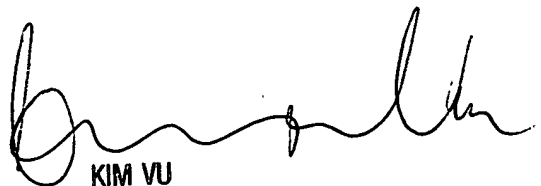
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Pham whose telephone number is 703-605 4242. The examiner can normally be reached on Monday-Friday, 7:00 Am - 3:30 Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VU, KIM YEN can be reached on 703-305 4393. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746 7239 for regular communications and 703-746 7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305 3900.

Examiner: Hung Pham  
September 18, 2002

  
KIM VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100